

Docket No: 290.0004 0130  
(US Nat'l Stage)

### DECLARATION

We, Peixuan Guo, Stephen M. Hoepflich and Dan Shu, declare that: (1) our respective citizenships and residence/mailing addresses are indicated below; (2) we have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically referred to herein, (3) we believe that we are the original, first, and joint inventors of the subject matter in

### pRNA CHIMERA

U.S. National Stage Patent Serial Number 10/539,241, filed 16 June 2005  
International Patent Application No. PCT/US 2003/039950, filed 16 December 2003

described and claimed therein and for which a patent is sought; and (4) we hereby acknowledge our duty to disclose to the United States Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.<sup>4</sup>

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below, or §365(a) of any PCT international application which designates at least one country other than the United States of America listed below, and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119(a)-(d), §365(a), and/or §365(b)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

<sup>4</sup> Title 37, Code of Federal Regulations, §1.56 is reproduced on the attached page.

**Declaration**

Page 2 of 4

Serial No. 10/539,241 (U.S. Nat'l Stage of PCT/US 2003/039950)

Filing Date: 16 June 2005

Title: prNA CHIMERA

We hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

- a. ☐ no such applications have been filed.  
 b. ☒ such applications have been filed as follows:

PROVISIONAL APPLICATION(S), IF ANY, UNDER 35 USC §119(e)	
APPLICATION NUMBER	DATE OF FILING (day, month, year)
60/433,697	16 December 2002
60/227,393	23 August 2000

We hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or §365(c) of any PCT international application(s) designating the United States of America, listed below.

- a. ☐ no such applications have been filed.  
 b. ☒ such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
10/373,612	24 February 2003	Pending
PCT/US 2001/26353	23 August 2001	Complete

Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Declaration**

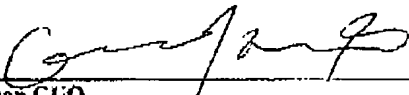
Page 3 of 4

Serial No. 10/539,241 (U.S. Nat'l Stage of PCT/US 2003/039950)

Filing Date: 16 June 2005

Title: pRNA CHIMERA

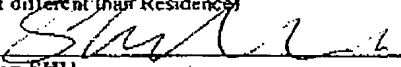
Wherefore, we pray that Letters Patent be granted to us for the invention described and claimed in the specification identified above and we hereby subscribe our names to the foregoing specification, claims, and Declaration, on the date indicated below.

  
\_\_\_\_\_  
**Peixuan GUO**  
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Residence: 1709 King Eider Drive, West Lafayette, Indiana 47906  
Mailing Address: same as residence  
(If different than Residence)

11/18/06  
\_\_\_\_\_  
Date

\_\_\_\_\_  
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Date

  
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11/18/06  
\_\_\_\_\_  
Date

**Declaration**

Serial No. 10/539,241 (U.S. Pat.)

Filing Date: 16 June 2005

Title: PRNA CHIMERA**§ 1.56 Duty to disclose information**

(a) A patent by the most effective patent examiners of and evaluates the teaching and prosecution of a patent application includes a duty to disclose information defined in this section. The Office cancelled or withdrawn from consideration of any claim that is not material to the patentability of a claim that is not material to the patentability of any claim is as prescribed by §§ 1.97(b)-(d) in which fraud on the Office was intentional misconduct. The

- (1) Prior art cited in the application
- (2) The closest prior art information

(b) Under this section, information is already of record or being

- (1) It establishes unpatentability of a claim;
- (2) It refutes, or
- (i) A
- (ii) A

A prima facie case of unpatentability under the proper broadest reasonable construction which may be submitted for

(c) Individuals associated with this section are:

- (1) Each inventor
- (2) Each attorney
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with the obligation to assign the application.

(d) Individuals associated with the attorney, agent, or inventor.

(e) In any case, the Office all information known which became available before the date of the continuation or

Stage of PCT/US 2003/0199301

ation material to patentability.

is very nature is affected with a public interest. The public interest occurs when, at the time an application is being examined, of all information material to patentability. Each individual associated with the application has a duty of candor and good faith in dealing with the Office all information known to that individual to be material to the patentability of any claim existing with respect to each pending claim under consideration, or the application becomes abandoned. Information that is cancelled or withdrawn from consideration need not be submitted. If any claim remaining under consideration in the application is not material to the patentability of any existing claim. The duty to disclose information is deemed to be satisfied if all information known in a patent was cited by the Office or submitted to the Office under § 1.98. However, no patent will be granted on an application in which fraud on the Office was practiced or attempted or the duty of disclosure was violated. The Office encourages applicants to carefully examine:

information in search reports of a foreign patent office in a counterpart application, information over which individuals associated with the filing or prosecution of the application believe any pending claim patentably defines, to make sure that the information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not already of record in the application, and

information, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or information is inconsistent with, a position the applicant takes in: proposing an argument of unpatentability relied on by the Office, or asserting an argument of patentability.

Unpatentability is established when the information compels a conclusion of unpatentability under a preponderance of evidence, burden-of-proof standard, giving each term its broadest reasonable construction consistent with the specification, and before any consideration of an attempt to establish a contrary conclusion of patentability.

Individuals associated with the filing or prosecution of a patent application

include the inventor named in the application; the attorney or agent who prepares or prosecutes the application; and any other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with the obligation to assign the application.

Any other person, other than the attorney, agent or inventor may comply with this section by filing a statement, signed by the agent, or inventor.

In a continuation-in-part application, the duty under this section includes

information known to the person to be material to patentability, as defined in paragraph (b), between the filing date of the prior application and the national or PCT application.